



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 1, 1998

Mr. Eric M. Bost
Commissioner
Texas Department of Human Services
P.O. Box 149030
Austin, Texas 78714-9030

OR98-1373

Dear Commissioner Bost:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 115333.

The Texas Department of Human Services (the "department") received a request from a department employee for a copy of a complaint against the requestor. In response to the request, you submit to this office for review a copy of the information at issue. You assert that the requested information is excepted from required public disclosure pursuant to section 552.101 of the Government Code. We have considered your arguments and have reviewed the information submitted.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. You contend that release of the requested information is governed by sections 12.003 and 21.012 of the Human Resources Code in conjunction with section 552.101 of the Government Code. Section 21.012 of the Texas Human Resources Code requires that the department

shall provide safeguards which restrict the use or disclosure of information concerning applicants for or recipients of the department's assistance programs to purposes directly connected with the administration of the programs.

Section 12.003 of the code provides:

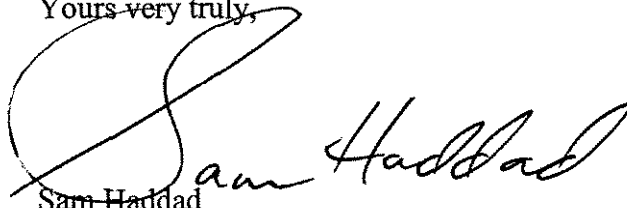
Except for purposes directly connected with the administration of the department's assistance programs, it is an offense for a person to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of the names of, or *any information concerning, persons applying for or receiving assistance* if the information is directly or indirectly derived from the records, papers, files, or communications of the department or acquired by employees of the department in the performance of their official duties. [Emphasis added.]

In Open Records Decision No. 584 (1991), this office concluded that "[t]he inclusion of the words 'or any information' juxtaposed with the prohibition on disclosure of the names of the department's clients clearly expresses a legislative intent to encompass the broadest range of individual client information, and not merely the clients' names and addresses." Consequently, it is the specific information pertaining to individual clients, and not merely the clients' identities, that is made confidential under section 12.003. *See also* Open Records Decision No. 166 (1977).

In this instance, it does not appear that the requestor is seeking the requested information "for purposes directly connected with the administration of the department's assistance programs." Therefore, we conclude that the department may not release the complaint information, containing the complainant's name, or any other information "directly or indirectly derived from the records, papers, files, or communications" maintained by the department. The information must be withheld pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID#115333

Enclosure: Submitted document

cc: Ms. Roshanda Penn
315 East Avenue D
Killeen, Texas 76541
(w/o enclosure)